

UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

DAMION D REEVES
AND
ZENA REEVES

Debtors

Chapter 13

Case No. 19-10889-KHK

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed March 20, 2019. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(3) – Good Faith and Violation of 11 U.S.C. §1325(b)(1)(B) – Disposable Income. Debtors' Plan must be 100% due to disposable income. Their present disposable monthly income is \$2,649.37/mo. per Schedule I/J, even with an investment property that loses money. There is no reason to defer the Plan funding via deferred step payment of \$900.00/mo. to \$1,795.00/mo. in month 42, and it puts creditors at risk.

Violation of 11 U.S.C. §1325(a)(6) – Feasibility:

1. Debtors have not yet provided filed 2018 tax returns.
2. 100% Plan does not provide for Priority portion of filed Internal Revenue Service Proof of Claim (Claim #5) nor unsecured Homeowners Association (Claim #6) and is underfunded as follows:

| | | | |
|--------------------|-------------------------------|---------------|-----------|
| PERFORMANCE | Amount of Plan Payment | 900.00 x 41 | |
| | | 1,795.00 x 19 | |
| | Number of Months | 60 | |
| | Total Receipts | | 71,005.00 |
| | Disbursements Required | | |
| | Trustee | 8,381.12 | 10.00% |
| | Attorney | 2,500.00 | |
| | Taxes/Other Priority | 19,353.20 | |
| | Secured | 13,473.28 | |
| | Unsecured | 48,791.12 | |
| | Other | | |
| | Total Disbursements | | 92,192.36 |

Notice of Objection To Confirmation

Damion D Reeves and Zena Reeves, Case # 19-10889-KHK

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on May 23, 2019 at 9:30 a.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: May 9, 2019

/s/Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice of Objection To Confirmation

Damion D Reeves and Zena Reeves, Case # 19-10889-KHK

CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of May, 2019, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Damion D Reeves
Zena Reeves
Chapter 13 Debtors
9501 Mason Village Loop
#304
Manassas, VA 20109

Michael J.O. Sandler
Attorney for Debtor
Fisher-Sandler, LLC.
12801 Darby Brook Court, Suite 201
Woodbridge, VA 22192

____/s/ Thomas P. Gorman_____
Thomas P. Gorman